

1904-012
Lee Co.

Chancery Causes:

John D. Morgan

vs. Adm. of Cynthia J. Thomas &

Ball, Oxford

-Deed

CA - Debt
T - Property

To the Honorable H.A.W.Skeen, Judge of the Circuit Court for
Lee County:

Humbly complaining, your Orator John D.Morgan, would respectfully represent and show unto your Honor that on the 21st day of January, 1898, Martin W.Thomas and Cynthia J.Thomas executed their joint note payable to your Orator one day after date for the sum of \$112, upon which note there is now a balance of \$103.03. Said note is subject to a credit of \$33.50 as of September 1, 1898, a credit of \$3.50 as of November 5, 1900 and \$10.00 as of March 27, 1901. The said Martin W.Thomas is also further indebted to your Orator in the sum of \$1.00 upon open account for medical services rendered to members of his family. Your Orator further represents unto your Honor that, since the execution of said note, to-wit on the _____ day of _____ 1900, the said Cynthia J. Thomas departed this life, intestate, leaving as her heirs and distributees, her said husband, the said Martin W.Thomas, a daughter named Lizzie Thomas, a son named Milford Thomas and a grand-child named Ora Oxford, who is the daughter of Letitia Oxford, deceased, who was a daughter of the said Cynthia J.Thomas. The said Milford Thomas and the said Ora Oxford are infants under the age of twenty-one years. At the date of the death of the said Cynthia J.Thomas, she was the owner of a certain tract of land situated in Lee County, Virginia, containing 56 acres being the same land that was conveyed to her by Nicholas Henager and wife by deed dated the 16th day of March, 1880, recorded in Deed Book No 19, page 49, a copy of which deed is here filed as a part of this bill marked Exhibit "A", to which reference is made for a particular description of the said tract of land. Your Orator would further represent unto your Honor that the estate of the said Cynthia J.Thomas was on the _____ day of February, 1904, committed to P.M.Ball, Sheriff for Lee County. Your Orator is advised that the only estate

left by the said Cynthia J. Thomas was the said tract of land heretofore referred to. Your Orator alleges that the said Nicholas Henager is insolvent and has no estate with which to pay the said note as aforesaid, upon which he was jointly bound to your Orator, except that he is entitled to a life estate by the courtesy in the said tract of land, as the husband of the said Cynthia J. Thomas, deceased, but your Orator alleges that said life estate in said land is altogether insufficient to pay the said debt of your Orator. Your Orator does not know whether or not there are any other debts due by the said Cynthia J. Thomas, but he is informed that there are other debts. The premises considered therefore, your Orator is advised that, in order to avoid multiplicity of suits, he has a right to maintain this suit for the purpose of having the said land of the said Cynthia J. Thomas and the said life estate of the said Nicholas Henager, upon a judgment rendered in this cause, sold, or enough thereof, to settle the costs of this suit and the said debt aforesaid, with any other debts that may be found to be due by the said Cynthia J. Thomas. The prayer, therefore, of your Orator is that the said Martin W. Thomas, P. M. Ball, Administrator of the estate of Cynthia J. Thomas, Lizzie Thomas, Milford Thomas and Ora Oxford be made parties defendant to this bill of complaint and be required to answer the same, but not under oath, that being expressly waived; that a guardian ad litem be appointed to defend the said Ora Oxford and the said Milford Thomas, said infants; that the administration account of the said P. M. Ball, Administrator, as aforesaid, be settled; that all the creditors of the estate of said Cynthia J. Thomas be assembled and their debts ascertained and reported in this cause; that upon a hearing, a judgment be rendered against the said Martin W. Thomas and the estate of the said Cynthia J. Thomas for the said debts aforesaid and the costs of this suit and that a sale be awarded of the said land hereinbefore

mentioned, or enough thereof as shall be necessary to settle
the payment of the said debts aforesaid and may all other further
and general relief be granted your Orator as the nature of his
cause and good conscience may require, and he will ever pray, etc.

Prayer for pay.

Martin W. Thomas

To John D Morgan

1900 June 25th To medicine for gine
29th " " " " " "

Amount Due

Dr

.50

.50

1.00

1901 - 3 27

1898 9 27

7 5

87
150
410
820
1270

M. W. Thomas
Accd \$1.00

\$112.00

One day after date
we Promise and bind
Ourselves, our heirs &c,
to Pay John D Morgan
One Hundred and Twelve
dollars (\$112.00) for value
received of him, and
we do each of us hereby
waive the benefit of our
Homestead Exemptions
as to the Payment of this
debt, Given under our
hands and seals this the
21st day of January 1898

^{Wife}
Martin W Thomas (Seal)
Mark

^{Wife}
Scynthia J Thomas (Seal)
Mark

Mr. W. Thomas
S. J. Thomas
Do } Note
3 } \$112.00

To credit the within note by balance of
the Price of a gray mare this sum \$33.50

Balance of Price of mare credited 3
on open acct. Book 4. Page 263
Sept 10th 1898

1900 Nov 7th By 1400 Boards @ 25^c = \$3.50

1901 March 27 By cash this sum = " 10.00

Dr. J. S. Morgan

7. 3 Pine St
3 Chaucey

Wm. Bull ^{Att}
S. J. Thompson

Pennington Bros.
ATTORNEYS AT LAW.
JONESVILLE AND PENNINGTON GARVA.

In the Orphan Court for the County of Lee,
to wit:

THE ANSWER OF Wilfred Thomas and Ora Oxford

infants under the age of twenty-one years, by M. G. Ely
guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against
them and others in the Orphan Court for the County of
Lee, by John D. Morgan and others.

The respondent, reserving to themselves the benefit of all just exceptions to the said bill, for
answer thereto, answering by said guardian *ad litem*, say that they are infants of tender
years, and by reason of such disability are incapable of understanding, or of taking care of their
rights and interests, they therefore commend the same to the protection of the court, and pray that
no decree may be pronounced which will tend to their prejudice.

And having answered, the respondent pray to be hence dismissed with their reasonable costs,
in this behalf expended; and they will ever pray, &c.

M. G. Ely Guardian *ad litem*.

p. d.

Va. County
OF
Lee } ss.

This day, M. G. Ely, whose name is signed to
the foregoing answer, personally appeared before me, H. C. T. Ewing
and made oath that the statements made therein, so far as they depend upon his own knowledge, are true,
and so far as they depend upon knowledge derived from others he believes them to be true.

Given under my hand, this 21st day of March 1904-1899

H. C. T. Ewing Clerk
by M. C. Haworth D. Clarke

John D. Morgan

adv. }

ANSWER
OF
INFANT DEFENDANT.

Martin W. Thomas et als

*Filed 1st April ruled
1904 H. L. Ewing Clk*

S. A. L. Fee. \$5.00

THIS DEED, made this 24th day of Feb. 1886, between Henry J. Morgan, Comr. of the first part, and John D. Morgan of the second part, all of the County of Lee State of Virginia, Witnesseth that by a decree of the Circuit Court of Lee County entered of record in the Chancery cause of Henry J. Morgan Guardian &c. against Victoria Morgan & others on the 26th day of August, 1885, the said Henry J. Morgan was appointed a special Commissioner and directed to convey unto said John D. Morgan the said Victoria Morgans individed half of the old home farm, the entire two twenty tracts and the Baldwin farm being the lands in the bill and proceedings mentioned purchased by the said John D. Morgan. Now in consideration of the premises and of one dollar in hand paid, the receipt of which is hereby acknowledged the said Henry J. Morgan doth by these presents give, grant, bargain, sell deliver, and convey unto said John D. Morgan all the undivided right interest and title of the said Victoria Morgan in and to that tract of land on which the said John D. Morgan now lives, supposed to contain about 400 acres & which was owned by him and Wm. T. Morgan jointly at the death of the latter.

And the entire two twenty acre tracts lying on the South side of the former & owned by said Wm. T. Morgan at his death and also the entire Baldwin farm containing from 130 to 150 acres, which also belonged to said Wm. T. Morgan at his death all of which lands lie in said County of Lee about 16 miles west of Jonesville.

To have and to hold said several tracts or parcels of land with all the appurtenances unto the said John D. Morgan & his heirs forever. And the said Henry J. Morgan covenants that he will warrant specially only the title to the land hereby conveyed and a large balance of the purchase money for said land being yet unpaid, the said Henry J. Morgan hereby reserves to himself the vendors lien on said land until said purchase money is fully paid.

Witness the following signature & seal.

Henry J. Morgan Comr. (Seal)

Virginia, Lee County, to-wit:

I, John R. Gibson, Clerk of the County Court in and for the County and State aforesaid, do certify that Henry J. Morgan, whose name is signed to the foregoing deed dated Feb. 24th 1886, personally appeared before me in my said office and acknowledged said writing to be his act and deed and the same when confirmed is admitted to record.

Given under my hand this 24th day of Feb. 1886.

John R. Gibson, Clerk.

A Copy-Teste: W. H. T. Ewing Clerk.

Copied from Deed Book No. 22, page 562 & 563.

Henry J. Morgan. Comr.
To of Deed

John D. Morgan

Copy

Clerk 60¢

1898- Martin W. Thomas - & Secretary Thomas

To Dr. J. D. Morgan -

Jan 21 To note 112 0 0

To Int to Sept 1-1898 4 48

116 48

br. - 33 50

8 29 8

Int to March 27-1901- 12 30

9 42 8

br. by 3rd Apr 1-1900- 10th March 27, 1901 13 50

8 1 7 8

Int to March 27-1901 14 58

9 6 3 6

Act - Dec 23 1904 14 0 0

8 2 3 6

Note 25,00

Note of Bonds & Int 54,25 76 25

6 1 1

brs - Schiff = 1 0 0 11 0 6

Tax - 1,50 16 1 7

Atty - 5,00

brs - 3,56

11,06

1904

Apr 5 br. by Coh: 16 1 7

Wm. W. W.

S. J. Thomas -

\$103.03

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Martin Thomas*
P.M. Ball Admr of the Estate of Cynthia
J. Thomas, deceased, Lizzie Thomas Milford
Thomas (an infant) Ora Cyford (an in-
fant)

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the *1st* Monday in *April*, 190*4*, to answer a
bill in chancery exhibited against *them* in our said court by

John D. Morgan

And have then there this writ. Witness, *W. L. Eving*
~~A. B. MUNSEY~~, Clerk of our said Court,
at the court-house, the *29th* day of *Feb'y*, 190*4*, and in the 12
year of the Commonwealth.

A Copy

W. L. Eving, Clerk.

John D. Morgan
vs. { SUBPOENA
IN CHANCERY.
Martin Thomas et al

Princeton Prop. q.

To Rules.

..... Court.

For P. M. Ball

Ex sent to by de writing a true copy of
to each of the within names & to take.
Ohio April 6, 1904
J. M. Ball

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Martin H. Thomas*
as, P. M. Ball Admr. of the Estate of
Synthia J. Thomas, Dec'd, Lizzie Thom-
as, Milford Thomas (an infant) Ora
Oxford (an infant)

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the *1st* Monday in *April*, 190*4*, to answer a
bill in chancery exhibited against *them* in our said court by

John D. Morgan

H. C. Ewing
And have then there this writ. Witness, *A. B. MUNSEY*, Clerk of our said Court,
at the court-house, the *29th* day of *Feb'y*, 190*4*, and in the 12 *8th*
year of the Commonwealth.

H. C. Ewing, Clerk.

John D. Morgan

vs.

{

SUBPOENA

IN CHANCERY.

Martin W. Thomas et al


Cumington Bros, p. q.

To 1st April Rules.

Circuit Court.

Executed, by delivering a
true copy to Martin W. Thomas,
P. M. Ball. Lizzie Thomas
Milford, Thomas
Eva of Ford this April 1st
1904. J. D. Weston D. C. for
P. M. Ball. Y. L. Co.

John Morgan

✓  for Cheney

C. M. Ball ~~adviser~~
et al
Thompson Est

Cheney	3.56 <u>rs</u>
Tax	1.50 <u>rs</u>
Sheriff	1.00 <u>rs</u>
Att'y	5.00 <u>rs</u>
	<u>11.06</u>